

EXHIBIT 10

1 COOLEY LLP
2 MICHAEL G. RHODES (116127) (mrhodes@cooley.com)
3 MATTHEW D. BROWN (196972) (brownmd@cooley.com)
4 JEFFREY M. GUTKIN (216083) (gutkinjm@cooley.com)
5 JAMES M. PENNING (229727) (jpenning@cooley.)
101 California Street 5th Floor
4 San Francisco, CA 94111-5800
5 Telephone: (415) 693-2000
Facsimile: (415) 693-2222

6 FACEBOOK, INC.
7 COLIN S. STRETCH (205144) (colin@fb.com)
8 SANDEEP N. SOLANKI (244005) (ssolanki@fb.com)
1601 S. California Ave.
Palo Alto, CA 94304
Telephone: (650) 853-1300
Facsimile: (650) 543-4800

10 Attorneys for Defendant FACEBOOK, INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

15 ANGEL FRALEY; PAUL WANG; SUSAN
16 MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
Litatem; and WILLIAM TAIT, a minor, by and
through RUSSELL TAIT, as Guardian ad
Litatem; individually and on behalf of all others
similarly situated,

19 Plaintiffs,

20 v.

21 FACEBOOK, INC., a corporation; and DOES
1-100,

22 Defendants.

Case No. CV 11-01726 LHK (PSG)

**DEFENDANT FACEBOOK, INC.'S
AMENDED RESPONSES AND OBJECTIONS
TO PLAINTIFFS' INTERROGATORIES**

SET ONE

24 PURSUANT TO THE PARTIES' STIPULATED PROTECTIVE ORDER

25 **INTERROGATORIES NO. 2, 4, AND 15 DESIGNATED:**

CONFIDENTIAL

26 **INTERROGATORIES NO. 10, 11, AND 12 DESIGNATED:**

**HIGHLY CONFIDENTIAL –
ATTORNEYS' EYES ONLY**

1 See Response to Interrogatory No. 11 above.

2 Facebook's investigation and discovery are ongoing. Facebook reserves the right to
3 supplement and amend this response, pursuant to Federal Rule of Civil Procedure 26(e) or
4 otherwise, and, if necessary, to assert additional objections arising from further investigation or
5 discovery.

6 **INTERROGATORY NO. 13:**

7 Please IDENTIFY all of the DOCUMENTS which YOU contend contain the terms that
8 comprise the complete agreement between FACEBOOK and MEMBERS, organized by date each
9 document went into effect.

10 **RESPONSE TO INTERROGATORY NO. 13:**

11 Facebook objects to this Interrogatory on the ground that it calls for disclosure of
12 information protected by the attorney-client privilege, the attorney work product doctrine, or
13 other applicable privilege or immunity. Defendant further objects to this Interrogatory on the
14 grounds that Plaintiffs' defined term "MEMBERS" is overly broad, vague, and ambiguous for the
15 reasons set forth in General Objection Number 11, incorporated herein by reference as though
16 fully set forth herein. Defendant further objects to this Interrogatory on the grounds Plaintiffs'
17 defined term "IDENTIFY" is overly burdensome and purports to require more than is required
18 under Federal and local rules for the reasons set forth in General Objection Number 14,
19 incorporated herein by reference as though fully set forth herein. Defendant further objects to this
20 Interrogatory on the grounds that Plaintiffs' defined terms "YOU" and "DOCUMENTS" are
21 overly broad for the reasons set forth in General Objection Numbers 17 and 18, incorporated
22 herein by reference as though fully set forth herein. Defendant will construe "MEMBERS,"
23 "IDENTIFY," "YOU," and "DOCUMENTS" as set forth in its General Objections. Defendant
24 further objects to this Interrogatory on the grounds that the phrase "comprise the complete
25 agreement" is vague and ambiguous in the context of this Interrogatory. Defendant further
26 objects that this Interrogatory is vague and ambiguous regarding whether only the current
27 agreements between Facebook and members are sought, or whether all agreements, at all previous
28

1 time periods are being requested. Subject to and without waiving the General and Specific
 2 Objections, Defendant responds as follows:

3 As set forth in the Statement of Rights and Responsibilities, posted on Facebook.com, the
 4 current Statement of Rights and Responsibilities (and all documents incorporated by reference
 5 therein) makes up the entire agreement between Facebook and its users, and supersedes any prior
 6 agreements. Facebook has produced the current Statement of Rights and Responsibilities (*see*
 7 Bates numbers FB_FRA_000529-532), and has also produced earlier versions of the Statement of
 8 Rights and Responsibilities (sometimes formerly known as the Terms of Use) that may have
 9 applied to users previously (*see* Bates numbers FB_FRA_000259-379; FB_FRA_000385-388;
 10 FB_FRA_000402-411). Additionally, Facebook makes a variety of additional terms and policies
 11 available on its website, regarding matters such as privacy, advertising guidelines, claims of
 12 intellectual property infringement, and other matters. These documents may be accessed through
 13 <https://www.facebook.com/terms.php>.

14 **INTERROGATORY NO. 14:**

15 Please explain all the methods offered within FACEBOOK.COM by which MEMBERS
 16 can prevent their IDENTITIES from ever appearing in any SPONSORED STORY.

17 **RESPONSE TO INTERROGATORY NO. 14:**

18 Defendant objects to this Interrogatory on the grounds that Plaintiffs' defined terms
 19 "MEMBERS" and "SPONSORED STORY" are overly broad, vague, and ambiguous for the
 20 reasons set forth in General Objection Numbers 11 and 13, incorporated herein by reference as
 21 though fully set forth herein. Defendant further objects to this Interrogatory on the grounds that
 22 Plaintiffs' defined term "IDENTITIES" is vague and ambiguous for the reasons set forth in
 23 General Objection Number 15, incorporated herein by reference as though fully set forth herein.
 24 Defendant will construe "MEMBERS," "SPONSORED STORIES," and "IDENTITIES" as set
 25 forth in its General Objections. Defendant also objects to this Interrogatory on the grounds that
 26 the phrases "methods offered" and "prevent" are vague and ambiguous in the context of this
 27 Interrogatory. Subject to and without waiving the General and Specific Objections, Defendant
 28 responds as follows: